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17 UNITED STATES DISTRICT COURT

18 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

19 WAYMO LLC,

20 CASE NO. 3:17-cv-00939-WHA

21 Plaintiff,

22 **PLAINTIFF WAYMO LLC'S  
ADMINISTRATIVE MOTION TO FILE  
UNDER SEAL ITS OPPOSITION TO  
OTTO TRUCKING'S MOTION TO  
COMPEL A SWORN STATEMENT**

23 vs.

24 UBER TECHNOLOGIES, INC.;  
25 OTTOMOTTO LLC; OTTO TRUCKING  
26 LLC,

27 Defendants.

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Pursuant to Civil L.R. 7-11 and 79-5, Plaintiff Waymo LLC (“Waymo”) respectfully requests to file under seal information in its August 25, 2017 Opposition to Otto Trucking’s Motion to Compel a Sworn Statement (“Waymo’s Opposition”). Specifically, Waymo requests an order granting leave to file under seal the portions of the documents as listed below:

<b>Document</b>	<b>Portions to Be Filed Under Seal</b>	<b>Designating Party</b>
Exhibit 5 to Waymo’s Opposition	Portions highlighted in green	Waymo
Exhibit 8 to Waymo’s Opposition	Entire document	Waymo
Exhibit 9 to Waymo’s Opposition	Portions highlighted in green	Waymo
Exhibit 10 to Waymo’s Opposition	Entire document	Waymo

## **I. LEGAL STANDARD**

Civil Local Rule 79-5 requires that a party seeking sealing “establish[] that the document, or portions thereof, are privileged, protectable as a trade secret or otherwise entitled to protection under the law” (*i.e.*, is “sealable”). Civil L.R. 79-5(b). The sealing request must also “be narrowly tailored to seek sealing only of sealable material.” *Id.*

## **II. THE COURT SHOULD SEAL WAYMO’S CONFIDENTIAL INFORMATION**

The Court should seal the information identified by Waymo in the table above. Waymo seeks to file this information under seal because it discloses Waymo’s confidential business information, including descriptions of internal Google security tools used to detect and investigate potential malfeasance and aspects of Waymo’s competitive planning and thinking. Certain names are sealed to protect privacy interests and because the names of the individuals are not relevant to the disposition of Waymo’s Opposition. *See Cooper Dec.* ¶¶ 3-5. Confidential business information that, if released, may “harm a litigant’s competitive standing” merits sealing. *See Nixon v. Warner Commc’ns, Inc.*, 435 U.S. 589, 598-99 (1978). Information about Google’s security tools that would give malicious actors information on how to thwart or evade Google security fits within this category, as does information about Waymo’s competitive and strategic business thinking. *Cooper Dec.* ¶¶ 3-5. Waymo has narrowly tailored its requests to only information meriting sealing. *Id.* Thus, the Court should grant Waymo’s administrative motion to seal.

1       **III. CONCLUSION**

2           In compliance with Civil Local Rule 79-5(d), redacted and unredacted versions of the  
3 above listed documents accompany this Administrative Motion. For the foregoing reasons,  
4 Waymo respectfully requests that the Court grant Waymo's Administrative Motion.

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6 DATED: August 25, 2017

QUINN EMANUEL URQUHART & SULLIVAN,  
7 LLP

8           By /s/ Charles Verhoeven  
9                   Charles Verhoeven  
10                  Attorneys for WAYMO LLC

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